

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41314 of 2021**

Arising Out of PS. Case No.-4 Year-2021 Thana- BHAGWANGANJ District- Patna

REKHA DEVI @ REKHA, W/O Anuj Kumar @ Anuj Singh, Resident of Village - Kharana, P.S. - Bhagwanganj, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Mahendra Prasad Bhartee, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Shantanu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-02-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Bhagwanganj P.S. Case No. 04 of 2021 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code. She has no criminal antecedent and has remained in custody in connection with this case since 18.01.2021.

As per the prosecution story, the marriage between the victim and one Mantu Kumar was solemnized in the year 2009.



They have got two children. The victim has been allegedly killed by her husband, father-in-law, mother-in-law, Gotani (this petitioner). It is alleged that after killing her, the dead body of the victim was hidden somewhere or burnt. The informant alleged that the dead body of the victim was seen being taken away somewhere on a tempo. The alleged occurrence took place on 10.01.2021 i.e. after about 12 years of marriage.

Learned counsel for the petitioner submits that so far as the present petitioner is concerned, she is living permanently with her husband in the State of Haryana. The petitioner has got her house constructed after purchasing a piece of land in Mauja Asawat, district Palwar in the State of Haryana.

It is further submitted that the petitioner is also working there after obtaining training for beautician and tailoring course in the year 2016 from Gurgaon, Haryana.

Learned counsel submits that after hearing the death of her Gotani when the petitioner visited her village, she was arrested on 18.01.2021 and since then she is in custody. Later on at a belated stage a story has been developed that the husband of the deceased was having illicit relationship with the petitioner over which his wife had objected and for that reason she was killed. The chargesheet has already been filed and the records have been committed. The petitioner has got two years old child and in her



absence the child is living in a precarious condition.

On the other hand, Mr. Shantanu Kumar, learned counsel for the informant has opposed the prayer for bail of the petitioner. It is his submission that because of the relationship with the husband of the deceased had developed with this petitioner the alleged occurrence had taken place and it is further submitted that the petitioner has a son aged about 5-6 years.

Learned counsel for the informant has referred the case diary and submits that the victim died due to asphyxia resulting from ante-mortem compression on neck. No other injury has been found. It is not controverted that the husband has built a house in the State of Haryana and the family is residing there.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has also opposed the prayer for bail of the petitioner.

Considering the entire facts and circumstances of the case, this petitioner being the Gotani of the deceased is though named in the First Information Report but there is no allegation at least at first instance that there was any illicit relationship between the husband of the deceased and this petitioner, it is not controverted that the husband of the petitioner is working in the State of Haryana and the family has got their house where they are residing even as per the submission of learned counsel for the informant she has got a five years old child and in connection with the



present case she has remained in custody since 18.01.2021, commitment has already been done and there is no difficulty in securing her presence in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Ram Manohar Choudhary, learned Judicial Magistrate 1st Class, Masaurhi in connection with Bhagwanganj P.S. Case No. 04 of 2021, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

